

relies on NTIA for construction funds. We will consider these applications cut off as of the close of the first filing window. In addition, we will continue to accept and process applications filed in response to the two outstanding "A" cut-off lists dated December 17, 1992, and February 10, 1993. Moreover, we will also continue to accept major change proposals where they are filed in the same market to accommodate settlement agreements among applicants that have previously achieved cut-off status and where the settlement resolves mutually exclusive applications. We intend expeditiously to resume accepting applications for new ITFS facilities and for major changes in existing ITFS stations upon final disposition of the matters raised in this proceeding. The short delay engendered by our actions in this notice will very soon result in more efficient and rapid authorization of service to the public.

#### Administrative Matters

##### Initial Regulatory Flexibility Analysis Statement

Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds:

11. *Reason for the action:* The purpose of this notice is to review and update the procedures which govern the filing of applications for new ITFS channels.

12. *Objective of this action:* The action proposed in this notice is intended to improve ITFS and wireless cable service by making the regulations that govern applying for a new ITFS channel consistent with the continuing evolution of the telecommunications industry.

13. *Legal basis:* Authority for the action proposed in this notice may be found in Sections 1, 3, 4 (i) and (j), 303, 308, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i) and (j), 303, 308, 309, and 403.

14. *Description, Potential Impact, and Number of Small Entities Involved:* Approximately 1,200 existing and potential wireless cable and ITFS operators would be affected by the proposal contained in this notice.

15. *Reporting, Recordkeeping, and Other Compliance Requirements Inherent in the Proposed Rule:* The proposal suggested in this notice would authorize ITFS applicants to file for a license only during specific windows. The Commission has found such a procedure to be an efficient means of controlling the flow of applications in rapidly expanding services.

16. *Federal Rules which Overlap, Duplicate, or Conflict with the Proposed Rule:* None.

17. *Any Significant Alternative Minimizing Impact on Small Entities and Consistent with the Stated Objective of the Action:* The proposal contained in this notice is meant to make the regulations that govern applying for a new ITFS channel consistent with the continuing evolution of the telecommunications industry.

18. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposal suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall send a copy of the Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. section 601 *et seq.* (1981)).

#### Ex Parte

19. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules. See generally 47 CFR sections 1.1202, 1.1203, and 1.1206(a).

#### Comments

20. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before April 19, 1993 and reply comments on or before May 19, 1993.

To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, room 239, at the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

#### Ordering Clauses

21. Accordingly, it is ordered, That pursuant to sections 1, 3, 4 (i) and (j), 303, 308, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i) and (j), 303, 308, 309, and 403, this notice of proposed rulemaking is adopted.

22. It is further ordered, Upon adoption of this notice of proposed rulemaking, that no applications for new ITFS facilities or for major changes to existing ITFS facilities will be accepted for filing by the Federal Communications Commission until further notice by the Commission. However, such applications in which the applicant relies on the National Telecommunications and Information Administration for construction funds will be accepted, but not processed. In addition, applications filed in response to the outstanding "A" cut-off lists of December 17, 1992, and February 10, 1993, will be accepted and processed.

#### List of Subjects in 47 CFR Part 74

Television broadcasting.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-4726 Filed 3-1-93; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB06

#### Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Hungerford's Crawling Water Beetle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to determine endangered status for the Hungerford's crawling water beetle (*Brychius hungerfordi* Spangler) and thereby provide the species protection under the Endangered Species Act of 1973, as amended (Act). The species is a small, rare beetle that lives in the cool riffles of clean, slightly alkaline streams. The species is known to occur in only three isolated locations: The East Branch of the Maple River, Emmet County, Michigan; the East Branch of the Black River, Montmercy County, Michigan; and the North Saugeen River at Scone, Bruce County, Ontario. The two

Michigan sites are in the Cheboygan River watershed. The primary threat to the species is alteration of its stream habitat. This includes changes caused by logging, beaver control, stream pollution, and general stream degradation. Fish management (particularly the introduction of brown trout) is also a threat. Critical habitat is not proposed at this time. The Service seeks data and comments from the public on this proposal.

**DATES:** Comments from all interested parties must be received by May 3, 1993. Public hearing requests must be received by April 16, 1993.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111-4056. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Craig Johnson, Chief, Division of Endangered Species (see ADDRESSES above) at 612/725-3276 or FTS 725-3276.

#### SUPPLEMENTARY INFORMATION:

##### Background

Hungerford's crawling water beetle, *Brychius hungerfordi*, was first identified by Spangler in 1954 (Spangler 1954). The beetle is a member of an uncommon genus in the Family Halipidae and Order Coleoptera. It can be distinguished from all other beetles as follows (from Wilsmann and Strand 1990):

*Brychius hungerfordi* is a small (4.20 mm), distinctive, yellowish brown beetle with irregular dark markings and longitudinal stripes on the elytra, each of which is comprised of a series of fine, closely spaced and darkly pigmented punctures. Males tend to be smaller than females. In Spangler's (1954) original series, specimens ranged from 3.70 mm in length and 1.90 mm in width (a male) to 4.35 mm in length and 2.25 mm in width (a female). Males are characterized by thickened tarsal segments of the front legs with small tufts of hair on the first three segments. *B. hungerfordi* can be differentiated from all other Halipidae in Michigan by the shape of its pronotum, the sides of which are nearly parallel for the basal 2/3 (Hilsenhoff and Brigham, 1978) and are widened mid-laterally.

This small, rare beetle lives in the cool riffles of clean, slightly alkaline streams. The species is known to occur in only three isolated locations: The East Branch of the Maple River, Emmet County, Michigan; the East Branch of the Black River, Montmorency County,

Michigan; and the North Saugeen River at Scone, Bruce County, Ontario. The two Michigan sites are in the Cheboygan River watershed. The disjunct distribution of this species suggests that it is a relict from glacial periods when cool, fast moving streams were more prevalent and the beetle was more widespread. Human activities such as fish management (particularly the introduction of brown trout), logging, beaver control, stream pollution, and general stream degradation have reduced its habitat in recent times. On May 22, 1984, the Service published in the *Federal Register* its first listing of invertebrate animal species being considered for listing under the Act, which included the Hungerford's crawling water beetle. Hungerford's crawling water beetle appeared again in the January 6, 1989 Animal Notice of Review (54 FR 554-579) as a Category 2 species. Category 2 comprises taxa for which there is some evidence of vulnerability, but for which the information necessary to list is lacking. It was again listed as Category 2 in the November 21, 1991 Animal Notice of Review (56 FR 58804-58836) but, given the research by Wilsmann and Strand (1990), it should have been listed as a Category 1 at that time. The listing priority is 2. The research results of Wilsmann and Strand indicate that the species occurs in only three vulnerable, isolated locations and should receive protection of the Act. The Service analyzed the status survey, as well as other information, and determined that the beetle is facing serious threats and should be protected as an endangered species.

All of the sites where the beetles have been found are characterized by moderate to fast stream flow, good stream aeration, inorganic substrate, and alkaline water conditions. Streams like those in which *B. hungerfordi* occur are common in the Great Lakes states. This area has been extensively surveyed for invertebrates in the last 30 years. Roughley (1989a) surveyed 30 to 40 potential locations in Ontario and 5 sites in Michigan and found the only known *B. hungerfordi* population in Canada. White surveyed portions of lower and upper Michigan (White 1989b), Hilsenhoff and Brigham (1978) surveyed Wisconsin, and Wallace (Brigham 1982) surveyed Minnesota and southern Canada without finding any new populations of *B. hungerfordi*. Strand (1989) surveyed streams in Emmet, Cheboygan, Presque Isle, Montmorency, and Otsego counties and found *B. hungerfordi* in 15 of 128 sampling stations. Of these, 14 occurred

near the type location in the East Branch of the Maple River and so were effectively from the same population. The remaining site, in the East Branch of the Black River, was the only new population that has been found in the United States since the species was discovered.

The largest population presently occurs in the East Branch of the Maple River in a pristine portion of stream on the boundary of the University of Michigan Biological Station. This population is estimated to include 200 to 500 individuals while the other two populations are thought to be much smaller (White 1986b, Wilsmann and Strand 1990). The East Branch of the Maple River is a small stream surrounded by forest with a partially open canopy so sunlight reaches the water. The stream is cool (15-20° C) with a relatively fast flowing current (greater than 50 cm per second) and a substrate of limestone gravel and rock (White 1986b). The forest is intact, the beaver population is healthy, and their dams function to stabilize water levels so the riffles below the dams remain predictable from year to year (Wilsmann and Strand 1990). At the Black River site, the beetles occur in a moderately fast current in fairly shallow water. The site in Ontario has been degraded by road construction and the beetles occur in the riffles below an old millrace. The swift currents in these locations maintain a mineral substrate.

Perhaps the best explanation for the large population in the East Branch of the Maple River is that, unlike the other two sites, this portion of stream is inaccessible to introduced brown trout (Strand 1989). Because adult beetles must swim to the surface for air they are vulnerable to predation by foraging trout.

The life history of *B. hungerfordi* is not known. The beetles are thought to live longer than one year and to overwinter as larvae in the dense aquatic vegetation at the stream's edge (Wilsmann and Strand 1990). As with other Halipidae, larvae probably go through three instar phases and pupate in the moist soil above the water line (Hickman 1929; White, Brigham, and Doyen 1984). Adults and larvae are seldom captured together and they appear to inhabit different microhabitats in the stream. Adults are more apt to be found in stronger currents, foraging for algae on gravel and stones. Both adults and larvae are herbivorous but very little is known about their specific dietary requirements or feeding adaptations (White 1986a, 1986b). Wilsmann and Strand (1990) reported, "The small size of *B. hungerfordi* adults

prevented direct observation of food ingestion. However, it is likely that they scrape food material from rocks by grasping with their tarsal claws and scraping with their distally flattened and single notched mandibles which are slightly medially cupped. This speculation is based on observations of the beetles crawling from rock to rock, stopping occasionally to grip a rock for varying lengths of time."

Compared to other Haliplidae, the adults are strong swimmers and they obtain oxygen by swimming to the surface or crawling to the water line at the edge of the stream. Larvae obtain oxygen directly from the water and are found in association with dense mats of vegetation (*Chara*, *Nitella*, or *Cladophora*) which offer protection and foraging. The growth form of this vegetative cover may be more important than the plant composition (Brigham 1990, pers comm. in Wilsmann and Strand 1990).

There is no evidence that *B. hungerfordi* has a dispersal flight. No adults have been found at black light stations, and the adults seem unusually reluctant to fly. One individual was removed from the water for 30 minutes and did not attempt to fly, an unexpected result given that most other aquatic insects would have attempted to fly after this period of desiccation. It is possible, therefore, that if this species disperses by flying, it is during a very brief period of time in the spring. The primary mode of dispersal appears to be movement within the stream system.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 224) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Hungerford's* crawling water beetle (*Brychius hungerfordi* Spangler) are as follows:

##### A. The Present or Threatened Destruction Modification, or Curtailment of its Habitat or Range

In recent times, stream modification has been the primary threat to *Brychius hungerfordi*. This includes dredging, logging, channelization, beaver control, bank stabilization, and impoundment. In Michigan, one site already has been impounded downstream by a dam, and the Ontario site has been impounded

upstream (Roughley 1989b). Fish management also poses a threat to *B. hungerfordi*. This includes introduction (see Factor C below), removals, and chemical treatments.

Removal of existing beaver dams upstream from *B. hungerfordi* populations poses a significant threat to the beetle. The highest density locations of *B. hungerfordi* are below beaver dams or immediately below structures that provide similar conditions to those found downstream from beaver impoundments. At the same time, flooding caused by a new beaver dam could eliminate an upstream population of the beetle unless the population was able to move farther upstream (Wilsmann and Strand 1990).

The Michigan Department of Natural Resources is reviewing a proposal to build an experimental stream facility on the East Branch of the Maple River. The portion of the river identified in the proposal supports the largest of the three known populations of *B. hungerfordi* and this species and its habitat will be impacted by the project as proposed. Operation of the experimental facility will involve pumping water from the East Branch of the Maple River to experimental streams where nutrients may be added. Water from the experimental streams will be discharged downstream from the intake site. *B. hungerfordi* would be taken up by pumps and passed to the experimental streams. Construction and operation of the facility will alter the flow rate of the water near the intake and discharge sites. Water temperature will also be altered. Under special circumstances, use of non-nature species in the experimental stream will be permitted. The Michigan Department of Natural Resources has requested more information from the applicant before a permit is granted or denied.

Given the rapid rate of recreational development and the demands for fish, wildlife, and forest management in northern Michigan, unknown populations of *B. hungerfordi* could easily be extirpated before they are discovered, increasing the need to protect existing populations. Because only three small populations of this species are known to exist, loss of even a few individuals could extirpate the species from some locations (Wilsmann and Strand 1990).

##### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The species will continue to draw scientific interest and collection should be regulated. Recent research efforts have involved mostly capture and

release rather than collecting, and the few collections that have been made are housed in appropriate museum collections. However, because of the species' rarity, there is the possibility that amateur scientific collections could occur.

##### C. Disease or Predation

Another threat to this species is the presence of brown trout that were introduced into river systems in the early part of this century. *B. hungerfordi* inhabits water deep enough for trout to occupy and the adults must swim to the surface for oxygen where they are vulnerable to foraging trout. The best possible explanation for the large population of *B. hungerfordi* in the East Branch of the Maple River is that, unlike the other two sites, this portion of stream is inaccessible to brown trout (Strand 1989).

##### D. The Inadequacy of Existing Regulatory Mechanisms

*B. hungerfordi* is currently listed as endangered under Michigan's Endangered Species Act (P.A. 203 of 1974, as amended). Any taking of this species, including harassment, is unlawful without a permit. The Michigan Department of Natural Resources also implements section 404 of the Clean Water Act. This section allows Michigan to regulate placement of fill material in waters of the United States. Combined with Michigan's Endangered Species Act, this should have provided significant regulatory oversight on a wide variety of activities that would have prevented taking of this species and habitat loss and alteration. The Montmorency County site, including a mile of upstream and downstream buffer, is in a state forest but is not protected from fish management activities. The Emmet County site is in mixed ownership and is not protected. The Canadian population is not protected and the land surrounding it is in mixed ownership. The Federal Endangered Species Act will increase the protection for the two Michigan sites, encourage habitat protection for the species on private lands, and influence impoundment development which very likely would involve Federal funds.

##### E. Other Natural or Manmade Factors Affecting its Continued Existence

Both Michigan sites are in the Cheboygan watershed and could potentially be affected by any changes upstream in the watershed such as in Van Creek, the upper portion of the East Branch of the Maple River, Town Line Creek, Foch Lakes Flooding Creek,

Rattlesnake Creek, and the upper portion of the East Branch of the Black River. Changes could include agricultural pesticide pollution, siltation, stream development, or fish management. Because two of the three known populations occur immediately downstream from a roadway, accidental events, such as chemical spills, pose a threat (Wilsmann and Strand 1990). The cumulative effects of road salt runoff also pose a threat to this species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Only three relatively small populations of this species are known to exist and these populations occur on sites threatened with habitat loss or destruction. In addition, all of these populations are in need of long-term management. Therefore, the preferred action is to list the Hungerford's crawling water beetle, *Brychius hungerfordi*, as an endangered species. An endangered species, as defined under section 3(6) of the Act, is a species that is in danger of extinction throughout all or a significant portion of its range.

Critical habitat is not being proposed at this time for the reasons discussed below.

#### Critical Habitat

Critical habitat, as defined by section 3 of the Act, means:

- (i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and,
- (ii) The specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat for Hungerford's crawling water beetle is not presently determinable. The Service's regulations (50 CFR 424.12(a)(2)) state that critical habitat is not determinable when one or both of the following situations exist: (1) Information sufficient to perform require analyses of the impacts of the

designation is lacking; or (ii) the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat. In the case of the Hungerford's crawling water beetle, information on the biology of this species is lacking to permit specific identification of its critical habitat.

The Service will initiate a concerted effort to obtain the information needed to determine critical habitat for Hungerford's crawling water beetle. Designation of critical habitat must be completed within two years of the date of this proposed rule, unless the designation is not prudent. A proposed rule for critical habitat designation must be published in the *Federal Register*, and the notification process and public comment provisions parallel those for a species listing. In addition, the Service will evaluate the economic and other relevant impacts of the critical habitat designation, as required under section 4(b)(2) of the Act.

It should be emphasized that critical habitat designation does not necessarily affect all Federal activities. If appropriate, impacts will be addressed during consultation with the Service as required by section 7(a)(2) of the Endangered Species Act, as amended.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, state, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the states and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is

listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce, any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and state conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued for a specified time to relieve undue economic hardship that would be suffered if such relief were not available.

#### Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule, are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;
- (2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impact on this species.

Final promulgation of the regulation(s) on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to (see ADDRESSES section).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

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White, D. S., and W. U. Brigham, and J. R. Doyen. 1984. Aquatic Coleoptera, pp. 361-437. In: R.W. Merritt and K.W. Cummins, eds. An introduction to the aquatic insects of North America. Kendall/Hunt, Dubuque, Iowa; 722 pp.

Wilsmann, L. A. and R. M. Strand. 1990. A status survey of *Brychius hungerfordi* (Coleoptera: Haliplidae).

#### Author

The primary author of this proposed rule is Kate Winsor (see ADDRESSES section), 612/725-3276 or FTS 725-3276.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

#### Proposed Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of Chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500.

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under *Insects*, to the List of Endangered and Threatened Wildlife:

#### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Insects:							
Beetle, Hungerford's	<i>Brychius</i>	U.S.A.	NA	E		NA	NA
Crawling water	<i>hungerfordi</i>	(MI) Canada					

Dated: February 8, 1993.  
 Richard N. Smith,  
 Deputy Director, U.S. Fish and Wildlife Service.  
 [FR Doc. 93-4742 Filed 3-1-93; 8:45 am]  
 BILLING CODE 4310-55-M

#### DEPARTMENT OF COMMERCE

#### National Oceanic Atmospheric Administration

#### 50 CFR Part 625

#### Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a resubmitted portion of a fishery management plan amendment and request for comments.

SUMMARY: NMFS issues this notice that the Mid-Atlantic Fishery Management Council (Council) has revised a management measure contained in Amendment 2 to the Fishery Management Plan for the Summer